

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **June 8, 2004**

AGENDA ITEM NO.: 5

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) – 191, 225, 235, 246, 302, 310, 311, 331, 348 Vernon Street, 316, 426 Lakewood Street**

RECOMMENDATION: Approval of the requested Conditional Use Permits.

SUMMARY: Lynchburg College is petitioning for a Conditional Use Permit at 191, 225, 235, 246, 302, 310, 311, 331, 348 Vernon Street and 316, 426 Lakewood Street to allow the use of existing structures for college supervised student housing for four (4) to eight (8) students in an R-2, Single-Family Residential District. The Planning Division recommended approval of the CUP because:

- The petition agrees with the *Comprehensive Plan* which designates this area for Low Density Residential uses. Institutional uses that are compatible in scale with single-family homes are permitted.
- Petition agrees with the Zoning Ordinance in that colleges are permitted uses in an R-2, Single-Family Residential District upon approval of a CUP by the City Council.

PRIOR ACTION(S):

May 12, 2004: Planning Division recommended approval of the CUP.
Planning Commission recommended approval 6-0 (with one member abstaining) of the CUP with the following conditions:

1. The properties shall be used in substantial compliance with the individual site plans for student housing at:
 - 191 Vernon Street – 4 students
 - 225 Vernon Street – 6 students
 - 235 Vernon Street – 7 students
 - 246 Vernon Street – 6 students
 - 302 Vernon Street – 8 students
 - 310 Vernon Street – 8 students
 - 311 Vernon Street – 6 students
 - 331 Vernon Street – 6 students
 - 348 Vernon Street – 8 students
 - 316 Lakewood Street – 5 students
 - 426 Lakewood Street – 8 students
2. Any exterior lighting shall be glare shielded to prevent direct illumination beyond the property line.
3. All residences shall comply with the building code as determined by the Building Official.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 455-3902

Tom Martin / 455-3909

ATTACHMENT(S):

- Resolution
- PC Report
- PC minutes
- Vicinity Zoning Pattern
- Vicinity Land Use
- Site plans
- Speaker Sign Up Sheet

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO LYNCHBURG COLLEGE FOR USE OF THE PROPERTY AT 191 VERNON STREET – 4 STUDENTS, 225 VERNON STREET – 6 STUDENTS, 235 VERNON STREET – 7 STUDENTS, 246 VERNON STREET – 6 STUDENTS, 302 VERNON STREET – 8 STUDENTS, 310 VERNON STREET – 8 STUDENTS, 311 VERNON STREET – 6 STUDENTS, 331 VERNON STREET – 6 STUDENTS, 348 VERNON STREET – 8 STUDENTS, 316 LAKEWOOD STREET – 5 STUDENTS, 426 LAKEWOOD STREET – 8 STUDENTS, AS SUPERVISED STUDENT HOUSING, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG That the petition of Lynchburg College for a Conditional Use Permit at:

- 191 Vernon Street
- 225 Vernon Street
- 235 Vernon Street
- 246 Vernon Street
- 302 Vernon Street
- 310 Vernon Street
- 311 Vernon Street
- 331 Vernon Street
- 348 Vernon Street
- 316 Lakewood Street
- 426 Lakewood Street

as supervised student housing is hereby, approved, subject to the following conditions:

1. The properties shall be used in substantial compliance with the individual site plans for student housing at:
 - 191 Vernon Street – 4 students
 - 225 Vernon Street – 6 students
 - 235 Vernon Street – 7 students
 - 246 Vernon Street – 6 students
 - 302 Vernon Street – 8 students
 - 310 Vernon Street – 8 students
 - 311 Vernon Street – 6 students
 - 331 Vernon Street – 6 students
 - 348 Vernon Street – 8 students
 - 316 Lakewood Street – 5 students
 - 426 Lakewood Street – 8 students
2. Any exterior lighting will be glare shielded to prevent direct illumination beyond the property line.
3. All residences shall comply with the building code as determined by the Building Official.

Adopted:

Certified:

Clerk of Council

075L

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission

From: Planning Division

Date: May 12, 2004

Re: **CONDITIONAL USE PERMITS (CUP): 316 Lakewood Street, 426 Lakewood Street, 191 Vernon Street, 225 Vernon Street, 235 Vernon Street, 246 Vernon Street, 302 Vernon Street, 310 Vernon Street, 311 Vernon Street, 331 Vernon Street, 348 Vernon Street**

I. PETITIONER

Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

Representative: Mr. John Lewis, Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

II. LOCATION

The subject properties are tracts of approximately .1 to .2 acres located at 316 Lakewood Street, 426 Lakewood Street, 191 Vernon Street, 225 Vernon Street, 235 Vernon Street, 246 Vernon Street, 302 Vernon Street, 310 Vernon Street, 311 Vernon Street, 331 Vernon Street, and 348 Vernon Street.

Property Owners: Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501, Mr. Robert Enzinna, 17 Laurel Lane, Lynchburg, VA 24502 (316 Lakewood Street).

III. PURPOSE

The purpose of the petition is to allow the conversion of existing structures to student housing for four (4) to eight (8) students in an R-2, Single-Family Residential District.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which designates this area for Low Density Residential uses.
- Petition agrees with the Zoning Ordinance in that Colleges are a permitted uses in an R-2, Single-Family Residential District upon approval of a CUP by the City Council.

The Planning Division recommends approval of the CUP petitions.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* designates these areas for Low Density Residential uses. These areas may be developed for institutional uses compatible in scale with single-family residential homes. The conversion of the existing structures to student housing will not change the outside appearance of the buildings or the character of the neighborhood.
2. **Zoning.** The subject properties were annexed into the City in 1926. The existing R-2, Single-Family Residential District zoning was established in 1978 with the adoption of the current Zoning Ordinance.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Previous Actions.** The following items in the area have required City Council approval:
 - On September 25, 1984, the City Council approved the CUP petition of Lynchburg College for the construction of an Alumni house at 1501 Lakeside Drive.
 - On July 12, 1988, the City Council approved the CUP petition of Lynchburg College to allow office space at 500 Westwood Avenue.
 - On July 12, 1988, the City Council approved the CUP petition of Lynchburg College to allow office space at 185 Vernon Street.
 - On August 9, 1988, the City Council approved the CUP petition of Lynchburg College to allow office space at 339 College Street.
 - On August 9, 1988, the City Council approved the CUP petition of Lynchburg College to allow student housing at 349 College Street.

- On February 14, 1989, the City Council approved the CUP petition of Lynchburg College to allow office space at 505 Brevard Street.
 - On August 8, 1989, the City Council approved the CUP petition of Lynchburg College to use existing residences for student housing at 1127, 1129 McCausland Street, 319, 321, 333, 349 College Street, 500, 503 Westwood Avenue, 500, 518 Brevard Street, and 185 Vernon Street.
 - On December 12, 1995, the City Council approved the CUP petition of Lynchburg College to allow student housing at 511 Brevard Street.
 - On May 12, 1998, the City Council approved the CUP petition of Lynchburg College to allow student housing at 512 Brevard Street.
 - On June 9, 1998, the City Council approved the CUP petition of Lynchburg College to allow the construction of a gymnasium and physical plan storage facility at 1501 Lakeside Drive.
 - On August 11, 1998, the City Council approved the CUP petition of Lynchburg College to use and existing residence for student housing at 215 Vernon Street.
 - On July 13, 1999, the City Council approved the CUP petition of Lynchburg College to allow student housing and office space at 341 College Street, 504 Brevard Street, and 245 Vernon Street.
 - On March 14, 2000, the City Council approved the CUP petition of Lynchburg College to amend the Master Development plan at 1501 Lakeside Drive.
 - On June 13, 2000, the City Council approved the CUP petition of Lynchburg Christian Academy to allow temporary modular classrooms at 624 Thomas Road.
 - On June 12, 2001, the City Council approved the CUP petition of Lynchburg College to allow student housing at 511 Brevard Street, 312 Lakewood Street, 420 Lakewood Street, 425 Lakewood Street and 504 Westwood Avenue.
5. **Site Description.** The subject properties are bounded either by institutional uses (College owned property) or single-family residences.
6. **Proposed Use of Property.** The purpose of the conditional use permits is to allow the use of the existing structures for student housing.
- 191 Vernon Street – 4 students
 - 225 Vernon Street – 6 students
 - 235 Vernon Street – 7 students
 - 246 Vernon Street – 6 students
 - 302 Vernon Street – 8 students
 - 310 Vernon Street – 8 students
 - 311 Vernon Street – 6 students
 - 331 Vernon Street – 6 students
 - 348 Vernon Street – 8 students
 - 316 Lakewood Street – 5 students
 - 426 Lakewood Street – 8 students
7. **Traffic and Parking.** The City Traffic Engineer had no comments of concern regarding the conversion of the existing structures to student housing. Off-street parking will be available for all residences.
8. **Stormwater Management.** A stormwater management plan / erosion and sediment control plan will not be required because disturbed areas will not exceed 1,000 square feet. Any additional stormwater from the new gravel parking areas will be mitigated by the addition of landscaped areas.
9. **Impact.** Lynchburg College was founded on April 17, 1903. The College recently celebrated its centennial, and is now working on its strategic plans for the next ten (10) years. The plans call for an increase in enrollment from 2,010 students to 2,500 students. It is projected by the College that a total of 1,800 students will be in need of student housing. The College currently has student housing for 1,500 students and is seeking approval of the conditional use permit to use existing residences for student housing for between four (4) to eight (8) students for a total of seventy-two (72) new student housing units.

The College currently requires that “traditional” aged students live in College-owned housing until their senior year. During the senior year a student may live off campus, however it must be in an area zoned R-4 or R-5. These requirements instituted by the College have eliminated the ability of the students to rent single-family dwellings not under ownership of the College. This has eliminated the usual area of concern of the potential for students to generate noise or cause other disruptive activities.

The College has obtained CUP’s for other student housing identical to these requests in the past. The College’s presence and accountability for their students has been a benefit to the community. The proposed uses are considered to be compatible with the institutional and residential character of the area.

10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on April 20, 2004. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Lynchburg College for Conditional Use Permits at 316 Lakewood Street, 426 Lakewood Street, 191 Vernon Street, 225 Vernon Street, 235 Vernon Street, 246 Vernon Street, 302 Vernon Street, 310 Vernon Street, 311 Vernon Street, 331 Vernon Street, and 348 Vernon Street subject to the following conditions:

1. **The properties shall be used in substantial compliance with the individual site plans for student housing at:**
 - 191 Vernon Street – 4 students
 - 225 Vernon Street – 6 students
 - 235 Vernon Street – 7 students
 - 246 Vernon Street – 6 students
 - 302 Vernon Street – 8 students
 - 310 Vernon Street – 8 students
 - 311 Vernon Street – 6 students
 - 331 Vernon Street – 6 students
 - 348 Vernon Street – 8 students
 - 316 Lakewood Street – 5 students
 - 426 Lakewood Street – 8 students
2. **Any exterior lighting will be glare shielded to prevent direct illumination beyond the property line.**
3. **All residences shall comply with the building code as determined by the Building Official.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Ms. Judith C. Wiegand, Senior Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Environmental Planner
Mr. John C. Lewis, Lynchburg College, Representative

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**

(see attached map)

2. **Vicinity Proposed Land Use**

(see attached map)

3. **Site Plan**

(see attached site plans)

4. **Narrative**

(see attached narrative)

MINUTES FROM THE PLANNING COMMISSION MEETING
MAY 12, 2004

Petition of Lynchburg College for a Conditional Use Permit at 191, 225, 235, 246, 302, 310, 311, 331, 348 Vernon Street, 316, 426 Lakewood Street to allow college operated student housing in an R-2, Single-Family Residential District.

NOTE: Commissioner Flint announced that he had a potential conflict of interest with this project, and excused himself from the remainder of the meeting.

Mr. Martin said the petitioner proposed the use of eleven existing structures as student housing for between four to eight students in an R-2 Single-Family Residential District. He said the Future Land Use Map designated this area of the City for low-density residential uses; however, he said, institutional uses were appropriate in these areas provided they were compatible in scale and appearance with single-family homes. He noted that the petition as proposed by the College would not change the outside appearance or the overall characteristic of the neighborhood. Mr. Martin added that Lynchburg College had received several Conditional Use Permits for student housing in the past several years, and that the operation of these facilities by the College had eliminated many of the normal concerns with student housing such as noise and other disrupted activities, and that the number of complaints had dropped probably to almost zero. Mr. Martin told the Commission that parking would be available in off street lots, and the City's Traffic Engineer had no comments or concern with the proposed uses. He concluded by saying that the Planning Division did recommend approval of the CUP.

Mr. John Lewis, Business Manager for Lynchburg College, represented the request. Mr. Lewis said this request was to update the Master Plan, and with the update they were requesting to use a number of residential properties that the College had acquired for what they called "alternate living and learning environments" for their students. He said after living in the resident halls for two or three years the students liked to live somewhere else and the college wanted to provide that opportunity as opposed to students renting properties in the neighborhood. He noted that at the beginning of this school year the College allowed seniors to live off campus, but they had to apply to do so. Mr. Lewis said students could only live in areas that were zoned R-4 or R-5, which was for multi-family use; no longer could students rent houses in R-1, R-2, or R-3 areas. He added that over the next ten years they did plan some modest growth by increasing their enrollment from 2,000 to 2,500 if they had the capacity to do so. He continued by saying that they were conducting a study to see how they could accommodate those additional students. He said with their residential requirement for students to live on campus, they needed more capacity to house students than they currently had, and using the eleven houses included in the petition would give them a short-term solution. Mr. Lewis said they had 184 beds in the townhome complex that was currently under construction, but thinks they need to design and build something different in their next phase of construction. He explained that the College needed another year to study what that next phase of housing would be. Mr. Lewis said in addition to purchasing these homes they were making a capital investment in improving the property. To date, he said, the College had committed to about half a million dollars in improvements to these properties to bring them up to the College's standards so they would be safe and look respectable in terms of rewiring, new HVAC systems, and cosmetic improvements on the exterior. He added that the fire alarm system that would be added would be connected to the College information desk so they could respond if there were any types of fire emergencies. Mr. Lewis said the Dean of Students, Mr. John Eccles, was also in attendance if there were questions the Commissioners wanted to address to him.

Mr. Doug Reynolds, 310 Langhorne Lane, spoke in opposition to the petition for himself and several of his neighbors. Mr. Reynolds said students who rented houses in the neighborhood used them for party purposes, which became a neighborhood nightmare due to the loud noise, vandalism, trash and unacceptable language. He said in addition to the partying, there were also problems with traffic in and out of the neighborhood. He added that when Lynchburg College became aware that the problems had spread into the surrounding community he, representatives from the Planning Department, the Police Department, and the College met to discuss the concerns. Mr. Reynolds said that out of these meetings the idea of banning students from living in the neighborhoods came about, and said the ban had somewhat decreased the problems in the neighborhoods, but had not totally eliminated them. He continued by saying if LC's request was approved, they would effectively be annexing Vernon Street into the campus. He asked the Commission members to please consider denying the request allowing Lynchburg College time to review their expansion plans and how they relate to the neighborhood.

Commissioner Hamilton asked Mr. Reynolds what type of police presence was in the neighborhood to control these students.

Mr. Reynolds said there was good police presence in the neighborhood. He said LC had hired two off-duty police officers to patrol the area for a couple of hours on the worst of the nights, which helped somewhat. He added that there was an Alcohol Beverage Control grant for underage drinking and the police patrolled more heavily as a result of that money.

Commissioner Pulliam suggested that when students were disruptive in the neighborhood the Dean of Students should be called. He said if the neighbors were awake, then the Dean should be awake, too.

Mr. Reynolds said they were afraid that another 76 students in the neighborhood would cause the problems to escalate again instead of continuing to drop.

Dr. John Eccles, Dean of Students, gave a rebuttal. Dr. Eccles said Mr. Reynolds spoke of a real concern but the College had invested a significant amount of time, energy, and money, approximately \$5 million in the last year and a half, to built on-campus housing to have students under their control and under their responsibility. He said if you examine the police logs, in the houses that the College owned and managed there had been very few calls and less repeats in recent years. He added that the houses Mr. Reynolds spoke of did have problems, and those students had been dealt with and were no longer students of LC. He noted that the problems were not licked, but the situation was better than what it was last year with 130 students living in 35 houses in the area. This year, Dean Eccles said, there were no students living in the area because of the policy passed by the College stating that students must live in R-4 or R-5 zoned areas, which were managed apartment complexes. He said there would probably always be more noise and activity in the area around any college, but he could not change the fact that there were 1,600 undergraduate students going in and out of the institution on a daily basis.

He added that they could control where the students lived, and they were very serious about doing that. He said with this plan, they hoped to bring a larger population under the College's control and also help the neighborhood by maintaining the houses. He said if they decide to sell those houses back to private individuals, they should sale at a much higher value than they would have sold for before the College upgraded them. Dean Eccles concluded by saying that the College thought they were moving in the right direction.

Commissioner Echols asked how many students had been arrested in the last year.

Dean Eccles said he was not sure, but if a dozen students had been arrested, he would be surprised. He said if a student was arrested but not convicted, the College still acted on the information. He said many institutions did not get involved in what happened off campus, but LC did get involved. He said they followed the court cases all of the way through the system.

Commissioner Hamilton asked if there was an Honor Court that followed up with those kinds of things.

Dean Eccles said the Associate Dean of Students was responsible for the administrative handling of a majority of the problems that occurred off campus. He added that if the incident was of a serious or repeated nature, then it would be handled by either a Student Conduct Board or through Administrative Hearing depending on the nature of the situation.

Commissioner Bacon said she noticed that the College had gone into Sororities and Fraternities, and asked if there was a Panhellenic Council. She asked if very many Sorority or Fraternity members were involved in these incidents. She asked if the Greek houses were owned by Lynchburg College.

Dean Eccles said there was a Panhellenic Council and that not very many members of these organizations were involved in these incidents. He said the recognized Sororities and Fraternities had such a high level of accountability that there were fewer problems with National Greeks than ever before. He said the groups that cause concern are organizations that are not recognized or ones that had lost their charter. He said the Greek houses were owned by the College.

Mr. Reynolds made additional comments saying that moving from Vernon Street to a bigger area around the neighborhood was the first in a series of moves that the citizens had experienced. He said targeting the

individual locations had not been very effective, as targeting the behavior of individuals who are attending these parties seemed like it would be a better solution.

Commissioner Hamilton commented that it was admirable what Lynchburg College had done to eliminate the problems in the neighborhood. She said it would take a long time for the problems to be corrected.

Chair Dahlgren said if there was anything the Planning Commission could do to assist or correct problems that existed in the non-College owned properties, please let them know. He said he sympathized with Mr. Reynolds and the neighbors in being awakened in the middle of the night.

Commissioner Worthington said he was in support of the petition, because he thought the College did a good job with their own housing as opposed to off-campus rental. He said his concern was with the properties being taken off the tax roll, and added that he did not have a sense of what the financial tax impact was to the City. He said it bothered him that the Council or Planning Department did not have a vision of how much property they could legitimately take off the tax rolls. He said the Commission should be supplied with this information because they were being asked to make recommendations to City Council without all of the facts that were necessary.

Mr. Martin said if they thought back six to eight months to other projects, they were advised by the City Attorney that they could not base land use decisions on tax purposes. He said they had to look at the external benefits that the City received from having these large institutions in the City. He said they required an Economic Impact Study from the City's largest university, but in that situation, they were talking about tens of millions of dollars rather than hundreds of thousands of dollars coming off the tax roll. He said they could put that information together for the Commission; however, they still could not use that information to make land use decisions.

Chair Dahlgren said everyone in the room probably agreed with Commissioner Worthington, but the Commission could not make a decision based upon the non-taxing authorities, nor could the staff or City Council.

After discussion, Commissioner Echols made the following motion, which was seconded by Commissioner Hamilton and passed by the following vote:

"That the Planning Commission recommends to the City Council approval of the petition of Lynchburg College for Conditional Use Permits at 316 Lakewood Street, 426 Lakewood Street, 191 Vernon Street, 225 Vernon Street, 235 Vernon Street, 246 Vernon Street, 302 Vernon Street, 310 Vernon Street, 311 Vernon Street, 331 Vernon Street, and 348 Vernon Street subject to the following conditions:

1. The properties shall be used in substantial compliance with the individual site plans for student housing at:
 - 191 Vernon Street – 4 students
 - 225 Vernon Street – 6 students
 - 235 Vernon Street – 7 students
 - 246 Vernon Street – 6 students
 - 302 Vernon Street – 8 students
 - 310 Vernon Street – 8 students
 - 311 Vernon Street – 6 students
 - 331 Vernon Street – 6 students
 - 348 Vernon Street – 8 students
 - 316 Lakewood Street – 5 students
 - 426 Lakewood Street – 8 students
2. Any exterior lighting will be glare shielded to prevent direct illumination beyond the property line.
3. All residences shall comply with the building code as determined by the Building Official.

AYES:	Bacon, Dahlgren, Echols, Hamilton, Pulliam, Worthington	6
NOES:		0
ABSTENTIONS:	Flint	1